

REMARKS

The Final Office Action of November 19, 2009, has been carefully reviewed, and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. This response is being filed concurrent with a Request for Continued Examination. Claims 1, 3, 6, 8, and 13 have been amended to place the claims in a more preferred form. Claims 21-23 have been added. Claims 1, 3, 6, 8, 13, and 21-23 remain pending. No new matter is introduced with these amendments, as support may be found, among other places, at paragraphs [0018], [0019], and [0024] and corresponding figures.

Claim 6 stands objected to for an informality. Applicants have amended claim 6 to place the claim in a more preferred form, rendering the objection moot.

Claims 1, 3, 6, 8-11, 13, and 15-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 7,100,183 to Kunkel (hereinafter “*Kunkel*”). Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kunkel* in view of U.S. Patent 5,469,206 to Strubbe (hereinafter “*Strubbe*”). Applicants respectfully traverse.

Applicants’ independent claim 1 recites, among other features (emphasis added),

receiving interactive TV content via a first broadcast stream, the interactive TV content including tagged content, the tagged content being marked by a tag comprising first personalization data;

determining if the tagged content is targeted for a specific group of receivers based upon the first personalization data; and

upon determining the tagged content is targeted for the specific group of receivers, transmitting the interactive TV content via a second broadcast stream to the specific group of receivers.

Kunkel describes a system that filters at the end level, the set top converter box 16, and the box 16 does not transmit content any further downstream. Under the *Kunkel* system, demographic codes are encoded within a video stream at a headend 12 and transmitted through a distribution network 14 to set to converter boxes 16. The codes identify general demographic characteristics of the content. A bit mask 30 within the converter box 16 is checked to see if a matching code exists to the demographic code in the video stream. If so, the converter box 16 can display additional information (See *Kunkel*, col. 3, ll. 36-49 and ll. 59-61 and col. 4, ll. 33-46). Converter box 16 acts as the sole filter in the system of *Kunkel* from the headend 12 to the

set top convertor box 16 (*Kunkel*, col. 4, ll. 39-43). *Kunkel* describes how survey information of a viewer may be stored in any location of the system, including the headend 12, the set top convertor box 16, and/or a remote source (col. 4, ll. 20-23), yet, in describing the implementation of filtering of content, all filtering is solely taught as occurring at the set top convertor box 16 (*Kunkel*, col. 4, ll. 39-43).

In contrast, Applicants' independent claim 1 recites receiving interactive TV content via a first broadcast stream, and transmitting the interactive TV content via a second broadcast stream to the specific receivers, in response to determining that the tagged content is targeted for the group of receivers. The *Kunkel* box 16 does no such thing. As such, for at least the above described reasons, withdrawal of the rejection over *Kunkel* is respectfully requested.

The secondary reference of *Strubbe* was only cited to show specific features of certain dependent claims 4 and 5, and does not overcome the deficiencies identified above with respect to *Kunkel*. Applicants' claims 3 and 21 depend from claim 1 and are allowable over the art of record for at least the same reasons as its base claim and for the additional features recited therein. Applicants' independent claims 6 and 13 include features similar to those described above with respect to claim 1. As such, for at least similar reasons as Applicants' claim 1, *Kunkel* fails to teach or suggest each and every feature of Applicants' independent claims 6 and 13 and withdrawal of the present rejection is respectfully requested.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. If, however, for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: April 19, 2010

By: /John M. Fleming/

John M. Fleming
Registration No. 56,526

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005-4051
Tel: 202.824.3000
Fax: 202.824.3001